

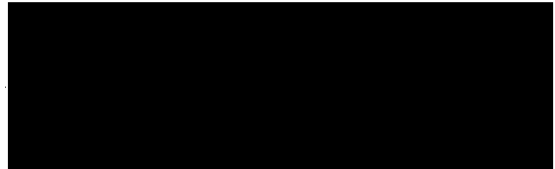


U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



File: [Redacted] Office: Texas Service Center

Date: AUG 3 2000

IN RE: Petitioner:  
Beneficiary

Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

Public Copy

IN BEHALF OF PETITIONER: Self-represented

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Terrence M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** This is a motion to reopen the Associate Commissioner for Examination's decision dismissing the appeal of the denial of the nonimmigrant visa petition. The motion to reopen will be granted and the previous decision affirmed.

The petitioner is a citizen of the United States. The beneficiary is a native and citizen of Pakistan. The director determined that the petitioner had not established that he and the beneficiary personally met within two years prior to the petition's filing date. The director's decision was affirmed by the Associate Commissioner on appeal.

On motion, a statement and sworn affidavit were submitted from the [redacted] and [redacted] (minister-pastor) at [redacted] in Houston, Texas and the petitioner's father, respectively.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K), defines "fiancee" as:

An alien who is the fiancee or fiance of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry....

Section 214(d) of the Act, 8 U.S.C. 1184(d), states in pertinent part that a fiancee petition:

shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the petition, have a bonafide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival...

The petition was filed with the Service on September 28, 1998. Therefore, the petitioner and the beneficiary must have met in person between September 29, 1996 and September 28, 1998.

The Petition for Alien Fiance(e) (Form I-129F) indicates that the petitioner met his fiancee in 1992. Therefore, they have not met in person within two years prior to filing the fiancee petition on September 28, 1998. No documentary evidence, such as airline tickets, the petitioner's passport, etc., has been submitted to establish that the petitioner and beneficiary met within the required period.

Absent a personal meeting, the Attorney General may waive the requirement that the parties have previously met. According to the regulation at 8 C.F.R. 214.2(k)(2), the director may exempt the

petitioner from this requirement only if it is established that compliance would:

- (1) Result in extreme hardship to the petitioner; or
- (2) Violate strict and long-established customs of the beneficiary's foreign culture or social practice....

The petitioner requests that the meeting of the two parties be waived due to the customs of the Islamic faith. As evidence, the petitioner submitted a letter from an Imam and his father's sworn affidavit. The letter from [REDACTED] states in part that "it is customary for the fiances to stay engaged for many years and not be able to see each other if the situation or circumstances do not permit." The petitioner's father states in part that "in keeping with the traditions of our religion, the engaged couple would not spend time alone without being chaperoned by family members". Neither letter states that a meeting between the two parties is strictly prohibited. Particularly, the petitioner's father's letter suggests that the petitioner and beneficiary are permitted to meet as long as a third party is present. This is substantiated by other evidence.

Information provided by the Library of Congress states that:

....we are not aware of any writer on Islamic law who has stated that the parties who are engaged to be married are prohibited from seeing or meeting each other....

The petitioner states that it would be an extreme hardship for him to be required to travel to Pakistan solely for the purpose of complying with the statute. The petitioner states that he is a student and currently unemployed. The petitioner's father states that it would be an extreme hardship beyond the traditions of his faith if he had to expend finances for his son to travel to Pakistan to meet personally with his fiancée and also expend finances for transporting his son's bride-to-be to the United States. However, financial hardships involved in traveling abroad as required for compliance with the statutory requirement do not constitute extreme hardship.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not met that burden.

**ORDER:** The order of May 28, 1999 dismissing the appeal is affirmed. The petition is denied.